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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Ron Schoenfeldt, McComb Church of the Nazarene, McComb, MS. He is a guest of our majority leader, Senator LOTT.

PRAYER

The guest Chaplain, Rev. Ron Schoenfeldt, McComb Church of the Nazarene, McComb, MS, offered the following prayer:

Let us unite our hearts in prayer.

O Heavenly Father, maker of Heaven and Earth and ruler over all nations, we acknowledge our dependence and reliance upon You. From the founding days of our beloved Nation You, O Lord, have been the author of liberty.

We have seen in the early days of the leadership of Congress their firm belief in the protection of Your divine providence and where they mutually pledged to each other their very lives, fortunes, and their sacred honor. We confess today it is easy to take for granted these men and women in their elected positions of the Senate.

Therefore, we ask You, O Lord, to help them to understand the times to know what to do. In this day and age when cynicism and disillusionment of life are running rampant, bless the Senate to provide hope and vision to this Nation which still remains the keystone in the arch of democracy.

May this session today realize the help and hand of our Father to shape the future so America can remain great and strong. May You bestow grace, wisdom, and courage today upon these Senators who proclaim the motto: "In God we trust." For this we ask in the name of Christ Jesus, our Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

THE GUEST CHAPLAIN

Mr. LOTT. Mr. President, we are honored this morning to have had today's opening prayer delivered by Rev. Ron Schoenfeldt, senior pastor of the McComb Church of the Nazarene in McComb, MS. I am very pleased to have Reverend Schoenfeldt here today, because he is highly well-known and respected in McComb for outreach work, such as his monthly nursing home ministry and work with area athletic programs.

I know Reverend Schoenfeldt wanted to open the Senate with a prayer on his 40th birthday. We are honored to have him do so.

I thank the Chaplain for all the work he does and allowing us to have this guest.

I thank Reverend Schoenfeldt for taking the time to come here today to pray for this institution and our country. I also commend him for his fine work in the McComb Church of the Nazarene and wish him continued success and happiness. Thank you very much, Reverend Schoenfeldt.

SCHEDULE

Mr. LOTT. Mr. President, this morning, the Senate will debate the nomination of Ronald Lee Gilman, of Tennessee, to be a U.S. circuit judge for the sixth circuit. At the conclusion of debate, at approximately 9:40 a.m., the Senate will conduct a rollcall vote on the confirmation of the nomination. Following that vote, the Senate will debate the conference report to accompany H.R. 1119, the Department of Defense authorization bill, for up to 4 hours, as under the previous order. So

we assume then that vote will occur on or about 2 o'clock. Also under the order, a vote on the adoption of the conference report will occur at the expiration of time. Again, we assume that will be around 2 o'clock.

Amtrak reform, D.C. appropriations bill, the FDA reform conference report, the intelligence authorization conference report and any other additional legislative or executive items that can be cleared will be taken up. I understand that we are just about ready to call up the D.C. appropriations bill. I think that there was an FDA conference report yesterday. Hopefully, they resolved their problems. After the DOD authorization bill, we then should be able to move to the intelligence conference report. We will also continue to try to move Executive Calendar nominations. I believe yesterday we moved about 20 nominations. We will have a vote this morning on Mr. Gilman to be a sixth circuit court judge. We should expect to have further votes during the day in addition to the two at 9:40 a.m. and approximately 2 o'clock. We will advise Members when a time is set for future votes. I yield the floor, Mr. President.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the leader time is reserved.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

PRIVILEGE OF THE FLOOR

Mr. CRAIG. Mr. President, aside from the business at hand, I ask unanimous consent that Janice Nielsen, a legislative fellow who works in my office, be granted the privilege of the floor for the duration of the debate and vote on the conference report to accompany H.R. 1119, the Department of Defense authorization bill.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I yield the floor.

EXECUTIVE SESSION

NOMINATION OF RONALD LEE GILMAN, OF TENNESSEE, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of the nomination of Ronald Lee Gilman, of Tennessee, which the clerk will report.

The assistant legislative clerk read the nomination of Ronald Lee Gilman, of Tennessee, to be U.S. circuit judge for the sixth circuit.

The PRESIDING OFFICER. There will be 10 minutes debate on the nomination.

Mr. LEAHY. Mr. President, I understand that on the nomination, there is 5 minutes reserved to a side, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, I don't see the distinguished chairman of the Judiciary Committee, so I will take the 5 minutes on this side.

Obviously, this is a case where, I assume, Ronald Gilman will be confirmed, and I congratulate him.

I am pleased that the majority leader has decided to take up the nomination of Ronald L. Gilman to be a judge for the Sixth Circuit Court of Appeals. Mr. Gilman currently works as a partner for Farris, Mathews, Gilman, Branan & Hellen, P.L.C. in Memphis, TN, an adjunct professor of trial advocacy for the University of Memphis Law School, an arbitrator and mediator for the American Arbitration Association in Nashville, TN, an arbitrator and mediator for the National Association of Securities Dealers in Chicago, IL, and as a dalkon shield referee for the Private Adjudication Center in Cary, NC. The ABA gave Mr. Gilman its highest evaluation—a unanimous well qualified rating.

In addition to his paid legal service, Mr. Gilman currently volunteers on behalf of the Memphis, TN and American Bar Associations, the Association of Attorney-Mediators and the Commercial Law Affiliates.

I congratulate Mr. Gilman and his family, and I look forward to his service on the Sixth Circuit of the U.S. Federal Court of Appeals.

I am also delighted that the Judiciary Committee plans to consider 15 judicial nominations at its executive business meeting today. I am hopeful that these nominations may be considered by the full Senate before we adjourn for the year.

Mr. President, we have seen this time and time again where judges are held up because people are concerned about them, we are told, and then we have a

rollcall vote on them and virtually every Senator votes for them. I mention this because no matter how many times we are told that we have to look very carefully at these judges, that they have concerns about them, it is obvious the Senate is not concerned about them and the Senate votes for them.

The same thing has happened with Bill Lann Lee. It is a case where the whole Senate would vote for Bill Lann Lee, that he would be confirmed overwhelmingly as Assistant Attorney General for the Civil Rights Division, but a small ideological group has decided that while they could not defeat Bill Lann Lee on the floor, a minority of the minority would try to defeat him and vote to block him in committee.

It seems the Republican leadership is determined to sacrifice Bill Lann Lee to narrow ideological politics. If the Republican leadership were to allow the Senate to vote on this outstanding nominee, a majority of the Senate, Republicans and Democrats, would vote to confirm him. Unfortunately, the press accounts this morning are that conservative Republicans have decided to block him by a minority of the minority. They have vowed not to allow this nomination to be considered by the Senate before adjournment this year.

This is not democracy. This is not the Senate at its best. This is the Senate at its worst, twisting the rules. The reason the Republican leadership gives for trying to kill this nomination is that Bill Lann Lee agrees with the President. It is not so much about Bill Lee as Bill Clinton. The President won election, and he won reelection. For the Senate to refuse to proceed to this nomination because Mr. Lee honestly testified that he would adhere to policies of equal justice consistent with those of the President is wrong.

Mr. President, can we have order, please? I cannot hear myself.

The PRESIDING OFFICER. There will be order in the body. Any conversations will please be taken off the floor. The Senator may proceed.

Mr. LEAHY. I thank the Chair. The Republican leaders were prodded into this by the narrow ideological extreme right of their party and its allies. They have not brought forward their own bill on affirmative action. They want to talk about it, but they have not brought it forward because they know a majority of Republicans and Democrats would not vote for it.

The Proposition 209 case is over. The Supreme Court has ruled on that. The good people of Houston rejected efforts to abandon those previously discriminated against. So there is nothing left for the extreme right except one trophy, and that trophy is Bill Lann Lee.

What kind of an example does this set? What kind of signal does this send? Bill Lee's life story is an American success story. He is the son of immigrants who struggled against discrimination. His father fought with the American

forces in World War II. He spent his professional career working to solve civil rights problems and diffuse conflict. His record of achievement is exemplary. He is a man of integrity and honor, as even those opposing him have to concede.

When he said to the Judiciary Committee that quotas are illegal and wrong and he would enforce the law, no one should have any doubt about his resolve to do what is right. He is a person with great problem-solving skills. Such matters are too important to be used for political purposes or as wedge issues to divide people. What is promising about this nomination is that Bill Lee is the person with the credentials, credibility and creativity to help move America and all Americans forward.

Any fairminded review of his 23-year career shows him to be well-suited to head the Civil Rights Division. It shows where he has been and where the law has been and how we have moved forward to refine remedial approaches to discrimination and its vestiges. One measure of this extraordinary individual are the testimonies of support provided by so many of his litigation opponents over the years, support based on his fairness and good sense, support from Democrats and Republicans alike.

Just this summer, the Senate moved forward to confirm another Assistant Attorney General, someone who had expressly declined to follow the language of the Telecommunications Act House-Senate conference report and raised concerns among a number of Senators. We were told that the standard to be employed in evaluating these nominees was not to hold a nominee hostage to policy differences with the administration but to vote for the nominee, if well-qualified, to permit the Justice Department to proceed with a confirmed division chief, and for us in Congress to move forward and work with the administration in the formulation and implementation of effective policies.

Unfortunately, with this nomination, that of the first Asian-American to head the Civil Rights Division, the rules are being changed and the standards are being moved. First, it appeared that the Republicans wished to raise their concerns with the nominee and point out their differences with administration policy, as is traditionally done. Then the focus was on Mr. Lee's possible involvement in Supreme Court consideration of the California proposition 209 case. When Mr. Lee came forward and recused himself from involvement in that case, the suggestion was made that the Department of Justice abstain from filing a brief in that case should certiorari be granted.

That suggestion was properly rejected. Indeed, I would think that the Supreme Court would be likely to request the views of the U.S. Government if they were not tendered in an amicus brief. Surely imposition of this suggested gag rule on the United States on issues of significance and concern in